

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Forest Department- Beedi Leaf 2005-07 season of Narsipatnam division- W.P.No.3543/05 filed by Sri A.Odelu, S/o Ramaiah, Hasanparthi mandal, Warangal district- Disposal of the petition in favour of the petitioner- Refund of the 1/4th sale amount of Rs.2,75,200/ from M.H900-01- Orders-Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.III) DEPARTMENT

G.O. Rt. No. 60

Dt:18.02.2011
Read the following:-

From the Principal Chief Conservator of Forests, AP, Hyderabad,
Letter No.22938/2010/E2, Dt.16.06.2010.

O R D E R :

In the reference read above the Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad has reported that in the sales of 2005-07 Beedi Leaf season held on 29.09.04, Sri A Odelu, R/o Warangal had offered highest bid of Rs.11,00,503/- and paid an amount of Rs.2,75,200/- being the 1/4th sale amount. The sale was confirmed on the recommendation of the Divisional Forest Officer in favour of Sri A.Odelu for Rs.11,00,503/- by the Conservator of Forests, Visakhapatnam. Based on the confirmation orders issued by the Conservator of Forests, Visakhapatnam the DFO, Narsipatnam has issued confirmation orders vide his letter dt. 27.11.04 to the tenderer adjusting the 1/4th sale amount of Rs.2,75,200/- and directed the contractor to pay the balance 3/4th sale amount of Rs.8,25,303/-.

2. He has further reported that the tenderer has challenged the said confirmation orders by filing W.P.No.3543/05 in the Hon'ble High Court of Judicature of Andhra Pradesh, Hyderabad stating that as per the sale notice condition No.9 (ii) issued by the then DFO, Narsipatnam (vide Rc.No.969/04/N5, dt. 07.09.04) read with Rule 14 (V) of A.P. Contract (Disposal of Forest Produce), 1977 ***"the competent authority shall confirm or reject the bid within thirty days from the date of sale and once it is confirmed, a concluded contract is deemed to have been effected between the Governor of Andhra Pradesh and the bidder whose bid is confirmed in token of acceptance, provided that the bid may be revoked by specific notice to the competent authority if it is not confirmed within the period of thirty days"***. As such plea of the petitioner was to refund the 1/4th sale amount with interest since the sale was not confirmed within the stipulated time of thirty days. The DFO, Narsipatnam has filed counter affidavit through Government Pleader (Forests), A.P. High Court, Hyderabad (vide his letter Rc.No.969/04N5, dt.19.03.05).

3. He has also stated that the **Hon'ble High Court in its judgment dt.29.12.09 while allowing the W.P. has ordered the respondent to refund the amount of Rs.2,75,200/- paid by the petitioner within a period of 4 weeks from the date of the receipt of the order.** It has also been ordered that if the amount is not refunded within the said period the respondent will be liable to pay interest from the expiry of this mentioned period @ 18% p.a till such time as the payment is made to the petitioner.

p.t.o

4. The Principal Chief Conservator of Forests, Hyderabad has therefore, requested the Government to arrange to release an amount of Rs.2,75,200/- under M.H 0406-900-01-Deduct Refund as the amount of Rs.2,75,200/- is collected from the petitioner vide Form No. CF 140 (MR) 0396454, dt.29.09.2004 and remitted into the Treasury through Ch.No.7932, 7933 and 7934, dt. 30.09.2004 into STO, Narsipatnam of Visakhapatnam district. He has also stated that the unit was re-auctioned and fetched the price of Rs.6,12,000/-.

5. In the circumstances stated above, Government, after careful examination hereby accord sanction for an amount of Rs.2.75 lakhs (Rupees two lakhs seventy five thousand only) to the Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad to refund the amount to Sri A.Odelu, S/o Ramaiah, Hasanparthi mandal, Warangal district, deposited by him to the receipts head of account "0406-01-101-(05) as per the directions of Hon'ble High Court.

6. The above expenditure shall be debited to "0406 Forestry & Wild Life-01 Forestry-M.H.101 sale of timber and other Forest Produce - S.H (96) Deduct-Refunds.

7. The Principal Chief Conservator of Forests, Andhra Pradesh, Hyderabad is requested to take further necessary action on the matter.

8. This orders issues with the concurrence of Finance Exp (M&F) Department vide their U.O.No.34999/251/A2/ Exp (M&F)/10, Dt.7.01.2011.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

JANAKI R.KONDAPI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Principal Chief Conservator of Forests,
Andhra Pradesh, Hyderabad.
The Accountant General, A.P. Hyderabad.
The Director of Treasuries & Accounts, Hyderabad.
The Pay & Accounts Officer, Hyderabad.
The EFS&T (O.P.Claims) Department.
The Finance Exp (M&F) Dept.,
The DTO, Visakhapatnam.

//FORWARDED :: BY ORDER//

SECTION OFFICER